

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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LARRY SPENCER,

Petitioner,

v.

STATE OF WISCONSIN, STUART  
SCHWARTZ and NEW LISBON  
CORRECTIONAL INSTITUTION,

Respondents.  
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ORDER

3:08-cv-17-bbc

Petitioner Larry Spencer, a prisoner at the New Lisbon Correctional Institution in New Lisbon, Wisconsin, has submitted a proposed complaint. Because the complaint is not accompanied by the \$350 fee for filing this case, I construe plaintiff's complaint to include a request for leave to proceed in forma pauperis. A decision on the request will be delayed until petitioner submits a trust fund account statement from which I can calculate the initial partial payment of the \$350 filing fee required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act.

Petitioner's complaint was submitted on January 4, 2008. His trust fund account

statement should cover the six-month period beginning approximately July 4, 2007 and ending approximately January 4, 2008. Once petitioner has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under § 1915(e)(2).

ORDER

IT IS ORDERED that petitioner may have until February 5, 2008, in which to submit a trust fund account statement for the period beginning July 4, 2007 and ending January 4, 2008. If, by February 5, 2008, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 22d day of January, 2008.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge